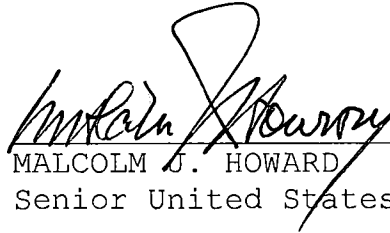


A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved. Accordingly, the court adopts the recommendation of the magistrate judge as its own. For the reasons stated therein, defendant's motion to dismiss [#17] is DISMISSED AS MOOT.

This matter is referred to Magistrate Judge Swank to address any needed amendments to the case management order.

This 10th day of September 2018.



MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, NC
#26